

DOCKET NO: 242756US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KUNIHIRO AKIYOSHI, ET AL. : EXAMINER: DICKERSON, CHAD S  
SERIAL NO: 10/660,723 :  
FILED: SEPTEMBER 12, 2003 : GROUP ART UNIT: 2625  
FOR: IMAGE FORMING APPARATUS :  
AND METHODS USED IN THE IMAGE  
FORMING APPARATUS

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election/Restriction Requirement mailed July 23, 2007, Applicants provisionally elect, with traverse, Invention I, drawn to Claims 1-28, and Species I, identified in the outstanding Office Action as corresponding to Figures 1-8, for further examination on the merits. Applicants identify Claims 1-28 as readable on the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected claims.

The Election/Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP § 803 states the following:

[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the

Election/Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

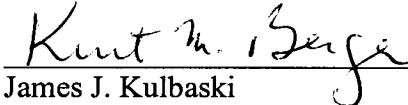
However, if the present Election/Restriction Requirement is not withdrawn, examination on the merits of Claims 1-28 is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

  
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James J. Kulbaski  
Attorney of Record  
Registration No. 34,648

Kurt M. Berger, Ph.D.  
Registration No. 51,461